

107



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,141	06/29/2001	Seymour Benzer	30431.3US01	8276
26941	7590	03/15/2004	EXAMINER	
MANDEL & ADRIANO 55 SOUTH LAKE AVENUE SUITE 710 PASADENA, CA 91101			SPIVACK, PHYLLIS G	
			ART UNIT	PAPER NUMBER
			1614	

DATE MAILED: 03/15/2004

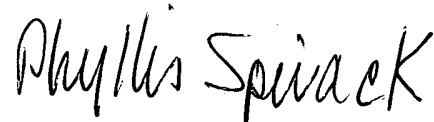
Please find below and/or attached an Office communication concerning this application or proceeding.

The reply filed on December 12, 2003 is not responsive to the prior Office Action because of the following matter. Newly submitted claims 23-32 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Methods for promoting free radical resistance of a cell comprising contacting an inhibitor of histone deacetylase to increase activity of genes associated with free radical resistance selected from the group consisting of superoxide dismutase, cytochrome P450 and glutathione S transferase require further search and different considerations.

Since Applicants have received an Action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicants are given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication should be directed to Phyllis G. Spivack at telephone number 571-272-0585.



Phyllis G. Spivack  
Primary Examiner  
Art Unit 1614

March 11, 2004

**PHYLLIS SPIVACK**  
**PRIMARY EXAMINER**